

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

11 FIGJAM, L.P.,) No. CV 13-06520-UA
12 Plaintiff,)
13 v.) ORDER SUMMARILY REMANDING
14 VICKY EPHRAIM, et al.,) IMPROPERLY-REMOVED ACTION
15 Defendants.)
16

17 The Court will remand this "Complaint for Unlawful Detainer -
18 Amount Does Not Exceed \$10,000," Case No. 13UA1758, to state court
19 summarily because Defendant removed it improperly.

20 On September 5, 2013, Defendant Vicky Ephraim, having been sued
21 in what appears to be a routine unlawful detainer action in California
22 state court, lodged a Notice Of Removal of that action to this Court
23 and also presented an application to proceed in forma pauperis. The
24 Court has denied the latter application under separate cover because
25 the action was not properly removed. To prevent the action from
26 remaining in jurisdictional limbo, the Court issues this Order to
27 remand the action to state court.

28 Simply stated, Plaintiff could not have brought this action in

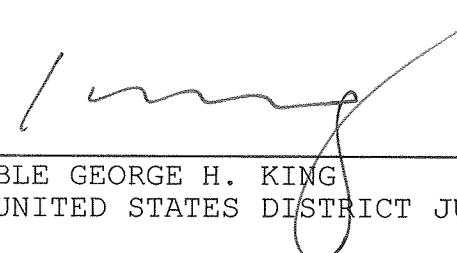
1 federal court in the first place, in that Defendant does not
2 competently allege facts supplying either diversity or federal-
3 question jurisdiction, and therefore removal is improper. 28 U.S.C.
4 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.
5 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete
6 diversity of citizenship exists, the amount in controversy does not
7 exceed the diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
8 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint
9 recites that the amount in controversy does not exceed \$10,000.

10 Nor does Plaintiff's unlawful detainer action raise any federal
11 legal question. See 28 U.S.C. §§ 1331, 1441(b).

12 Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to
13 the Superior Court of California, Los Angeles County, Antelope/North
14 District Courthouse, 42011 4th Street West, Lancaster, California
15 93534 for lack of subject matter jurisdiction pursuant to 28 U.S.C.
16 § 1447(c); (2) that the Clerk send a certified copy of this Order to
17 the state court; and (3) that the Clerk serve copies of this Order on
18 the parties.

19 **IT IS SO ORDERED.**

20 DATED: 9/18/13

21 
22 HONORABLE GEORGE H. KING
23 CHIEF UNITED STATES DISTRICT JUDGE